



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting Held On
April 10, 2013**

The Delaware Thoroughbred Racing Commission held a regular meeting on Wednesday, April 10, 2013, at 10:15 a.m., in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following Commission members were present:

W. Duncan Patterson, Jr., Chairman
Edward J. Stegemeier, Secretary/Commissioner
Henry James Decker, Commissioner
Debra Killeen, Commissioner

The following Commission members were absent

Richard A. Levine, Esq., Commissioner

The following individuals also were present:

Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC Executive Director
Steven Bertrando, Owner/Trainer, DTHA Board Member
Fritz Burkhardt, DTRC, Associate State Steward
Robert E. Colton, Delaware Jockey's Association, Director
Linda Furlong, Owner/Trainer
G. Jack Houghton, Jr., DTRC, Chief Steward
Madeline Locke, DTHA, President
John E. Mooney, Delaware Park, Executive Director of Racing
Vince Moscarelli, Owner/Trainer, DTHA Board Member, DCTP Coordinator
Shelley Perkins, DTRC, Paralegal I (recording minutes)
Dr. John T. Peters, D.V.M., DTRC, Chief Commission Veterinarian
Andy Singleton, Delaware Park, Security Shift Manager
Francis J. Swift, Jr., DTRC, Inspector
Dr. Jane C. Teichner, V.M.D., DTRC, Associate Commission Veterinarian
Paul Trapani, Owner, DTHA Board Member/Secretary
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing and General Counsel

1. **WELCOME & CALL TO ORDER**

At 10:15 a.m., Chairman Patterson called the meeting to order and welcomed those in attendance. Executive Director Wayne reported that an audio recorder was in use and a digital audio recording of the meeting was underway.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Stegemeier) and seconded (Decker) minutes of February 13, 2013 were approved as corrected. (page 5: replace "incubate" with "indicate") The Commission directed that meeting minutes return to summary format.

3. **OLD BUSINESS**

A. **Rules & Regulations – Voiding Claims**

Chairman Patterson led a discussion with regard to amending DTRC rules to expand situations in which a claim is voidable.

- A claimed horse that is ① vanned-off will be taken to ② a designated location for the purpose of ③ monitoring by ④ Commission veterinarian for the ⑤ period of one hour.
 - ① vanned-off: There may be additional language considered to make this rule change effective, i.e., pulled-up lame, eased, heat-stroke, etc.
 - ② designated location: Designated area may be the testing barn.
 - ③ monitoring: May want to include "treatment" and/or "intervention." Who will attend to the horse if the horse requires treatment/intervention? Will the Commission veterinarian treat? Will the claimant's veterinarian – or – the owner's veterinarian treat? Does this include x-rays, scope, etc.
 - ④ by Commission veterinarian: And the claimant & claimant's veterinarian? And the owner & owner's veterinarian? Who is permitted access?
 - ⑤ period of one hour - Some injuries that can render a horse unfit for racing, like a sesamoid injury, aren't immediately apparent. The claimant would have up to one hour to decide.

Chief State Steward, Mr. Jack Houghton will research the matter further and provide the Commission with a status report on May 15, 2013.

B. **Contract Signed Between DRA & DTHA**

Mr. Vild reported an agreement between the Delaware Racing Association (DRA) and the Delaware Thoroughbred Horsemen's Association (DTHA) was reached. The agreement is for a period of three years with a mutual option in the third year to terminate the contract. The contract provides that the parties approach the Delaware State Legislature seeking a change to the statute that currently mandates a minimum of 100 days for a number fewer than 100 days that the two parties agree upon.

The agreement provides for 81 days of live-racing and the anticipated schedule is from May 18, 2013 through October 7, 2013.

Mr. Vild thanked members of the DTHA, Mr. McGonigle, Secretary of Agriculture Kee, and members of the DTRC.

4. **NEW BUSINESS**

A. **Annual Structural/Safety Inspection of Clubhouse, Slots & Grandstand Areas**

Mr. Vild submitted the "2013 Annual Structural/Safety Inspection of Clubhouse, Slots & Grandstand Areas" report made by MacIntosh Engineering.

The initial visit to observe the condition of the facility was conducted on January 11, 2013, and the follow-up visit to observe completed repairs was conducted on February 11, 2013.

Mr. Vild reported that the inspection of the backside should be completed within the next two weeks and the Commission will receive those results upon completion.

5. **REPORT FROM DTRC EXECUTIVE DIRECTOR**

A. **Summary of Activities Report (February 2013)**

Executive Director Wayne submitted his written report to the Commission for the period February 1 to February 28, 2013.

B. **Summary of Activities Report (March 2013)**

Executive Director Wayne submitted his written report to the Commission and read into the record the statistics for the period March 1 to March 31, 2013. Report details included the following information:

	<u>March 2013</u>	<u>Year-To-Date</u>
Number of Persons Fingerprinted	0	3
Fingerprint Fees Collected	0	\$237.00
DTRC Licenses Issued	33	870
Fines & Appeal Fees Collected	0	0
License Fees Collected	\$1,480.00	\$12,035.00
ARCI Surveys	3	
NRC Applications	12	
NRC Investigations	1	
VLEU Contacts	7	
Law Enforcement Contacts	9	
Racing Commission Jurisdiction Contacts	15	
Jockey Club and ROAP Contacts	17	
Racing Industry Contacts	13	
Public Inquiries	56	

C. **Certificate of Insurance – Delaware Park 2013**

As required by statute, Executive Director Wayne reported receipt of Delaware Racing Association's Certificate of Liability Insurance for the period April 1, 2013 through April 1, 2014.

D. **Independent Accountant's Report**

Executive Director Wayne distributed photocopies of the Independent Accountant's Report (as of December 31, 2012) dated March 25, 2013, received from Harty & Harty, P.A. on April 1, 2013.

E. Governor's Tribute to Mr. Bernard J. Daney

Presented March 6, 2013 to Mr. Daney by Chairman Patterson, Secretary/Commissioner Stegemeier, and Executive Director Wayne. Mr. Wayne read into the record the Governor's Tribute to Mr. Daney.

Be it hereby known to all that Jack Markell, Governor of the State of Delaware, and Matthew Denn, Lieutenant Governor, recognize Bernard J. Daney. On behalf of Delawareans across the First State, Governor Markell and Lieutenant Governor Denn recognize Bernard J. Daney for his years of service to the State of Delaware, the Delaware Thoroughbred Racing Commission, and the Racing Industry. Bernard was born February 19, 1925 in Wilmington, DE and graduated from Wilmington High School. Bernard entered the military in October 1943 and served with Infantry Company F of the 28th Infantry Regiment in France and Germany. He was discharged in October 1945 as a Technical Sergeant and entered Temple University in December 1945, graduated with a Bachelor's degree in Accounting in August 1948. He passed the CPA exam in May 1950 and was in charge of a number of large Wilmington CPA firms from 1953 to 1992. Bernard also taught taxes and accounting at Goldey Beacom College and was co-founder of Brandywine College. At Brandywine College he served as Vice President of Administration from 1965 to 1986. Bernard has been active in the thoroughbred breeding and racing industry, having bred over 160 race horses with his wife. He raced in the Kentucky Derby and Preakness in 1983 and won the Maryland Million 3 times with Docent, Winning the Classic from 1993 to 2012, Chairman of the Association of Racing commissioners International in 2007, and Board and Treasurer of the Pennsylvania Horse Breeders Association from 1983-2001. In 2009, he received a Lifetime Achievement award from the Association of Racing Commissioners International. This tribute brings with it sincere appreciation for his dedication to Delaware and the thoroughbred and horse racing industry. Presented on this 10th Day of April, 2013 by order of the Governor.

6. REPORT FROM DTRC CHIEF COMMISSION VETERINARIAN

A. Mosquito Control

Dr. Peters contacted the New Castle County department for mosquito control was assured of their services.

B. Vaccinations

Dr. Peters asked that Delaware Park print and make available to horsemen the vaccination list as we have a grace period of about 3 weeks.

7. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

A. Delaware Certified Thoroughbred Program (DCTP) Report

Mr. Vince Moscarelli, DTHA Board Member and DCTP Coordinator reported for DTHA Executive Director Gruwell.

As of this year there have been 15 applications received. Mr. Moscarelli is up-to-date on farm certifications and has one more farm to be scheduled (near Dover) and will send Mr. Wayne an update.

Owners and certifiers were agreed at 15% for a total of 30% based on 100 days. Last year there was approximately \$83,000 left over – prior to that they had been short approximately \$85,000.

8. **PUBLIC COMMENT**

A. **John E. Mooney**

Opened the stable area and expecting a little over 1,000 horses. There are a few new outfits coming – some trainers sat on the fence until an agreement with the horsemen was signed with Delaware Park. Lost some stables in the past week and it's been very competitive between Gulfstream Park and Calder Race Course, especially since those tracks are willing to pay for trainers' transportation. Delaware Park will be very dependent on Maryland horses once Pimlico closes. Pimlico is also paying for horse transportation to Colonial Downs.

B. **John F. Wayne**

"This is my 42nd year in horseracing. I've worked at 28 different tracks throughout the United States and Canada and one thing is true at every track I've ever worked and that is we have to maintain a positive image at all times and that means working together. When the race track does well horsemen do well, and when horsemen do well the race track does well – it's a partnership. I know we have a lot of positive attitude here at the beginning of the meet and I'd like to see that continue. If we try to support the racing program here and if we all try to see each others' point of view maybe things would be a whole lot better. I tell my people to do everything they can to ensure a successful racing season and I think that's something we all should do. That means if we're out at the supermarket and somebody asks us about the race track that we pose a positive spin on the racing program here. Whether or not we have differences with certain people here or not doesn't make any difference. Because when we hurt the racetrack, or hurt someone else's image, or a horsemen's image it gives us all a black eye and I think we have to be goodwill ambassadors for our sport. It's a team effort when we all win and that's the best way to be."

C. **Michael Vild, Esq.**

"Today is my last appearance before the Commission, at least in my current role. I am leaving Delaware Park and have accepted a position with Saratoga Gaming in Saratoga Springs at Saratoga Raceway Casino. It's been my honor and pleasure to work with you all over the past five years. I have terrific memories of this place and it will always hold a warm spot in my heart. I appreciate your efforts and your support of me, your support of Delaware Park, and your support of Thoroughbred racing in Delaware."

F. **Robert Colton**

Mr. Colton commented on the jockey colony expected at Delaware Park, and reported that apprentice jockey, Trevor McCarthy is expected to return – Joe Rocco, Jr. is not expected to return.

G. **New DTRC Commissioner – Mr. Richard A. Levine**

Chairman Patterson announced that Richard A. Levine, Esq. was appointed DTRC Commissioner by Governor Markell. Mr. Levine will be introduced at the May 15, 2013 Commission meeting.

9. **ADJOURNED TO EXECUTIVE SESSION**

At 11:20 a.m., upon a motion duly made (Killeen) and seconded (Decker) the meeting was adjourned to executive session to discuss Commission personnel issues relating to the 2013 racing season.

The Commission will meet next at 10:15 a.m., on Wednesday, May 15, 2013.